

CHRISTIE PABARUE & YOUNG,
A Professional Corporation
By: John C. McNamara, Esquire
PA Atty I.D. No. 17875
1880 JFK Boulevard - Tenth Floor
Philadelphia, PA 19103
Ph: 215 587 1663/1600
jcmcnamara@cpmy.com

Attorneys for Defendant
Equifax Information
Services, LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

FLORENCE SELVIN,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	
EQUIFAX INFORMATION SERVICES LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Equifax Information Services LLC (“Equifax”), by Counsel, and hereby file this Notice of Removal of this action from the Court of Common Pleas of Montgomery County, wherein it is now pending as Case No. 2014-24066, to the United States District Court for the Eastern District of Pennsylvania. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendant shows this Court as follows:

1. An action was filed on December 5, 2014 in the Court of Common Pleas of Montgomery County entitled *Florence Selvin v. Equifax Information Services*, Case No. 2014-24066 (the “State Court Action”).
2. Equifax was served with the Complaint on December 30, 2014.

3. This Notice is being filed with this Court within thirty (30) days after Equifax was served with a copy of Plaintiff's initial pleading setting forth the grounds for his action and his claims for relief.

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws or treaties of the United States; specifically 15 U.S.C. § 1681 *et seq.*, otherwise known as the Fair Credit Reporting Act ("FCRA"), as follows:

(a) Plaintiff's Complaint, on its face, alleges a violation of the FCRA. (See Plaintiff's Complaint).

(b) The FCRA, pursuant to 15 U.S.C. § 1681(p), provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court without regard to the amount in controversy . . ."

5. This case is also properly removable under 28 U.S.C. § 1441(a) and (b) because this United States District Court has original jurisdiction of this case under 28 U.S.C. § 1332(a), which provides, in pertinent part, as follows:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and cost, is between --

(1) Citizens of different states. . .

6. Plaintiff seeks an amount in excess of the \$75,000 jurisdictional requirement. (*See Exhibit A, Complaint, p. 35, seeking \$150,000 from defendant.*)

7. The parties are citizens of different states. Plaintiff Florence Selvin is a resident of Pennsylvania. Defendant Equifax is organized and existing pursuant to the laws of the State of Georgia with its principal place of business in Georgia.

8. Promptly after the filing of this Notice of Removal, Equifax shall give written notice of the removal to Plaintiff and to the Clerk of the Court of Common Pleas of Montgomery County as required by 28 U.S.C. § 1446(d).

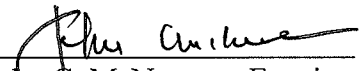
9. Attached hereto, as Exhibit A, are copies of the Summons and Complaint served upon Equifax in the State Court Action.

WHEREFORE, Equifax requests that the above-described action be removed to this Court.

Respectfully submitted this ^{22nd} ~~21st~~ day of January, 2015.

Of Counsel:
Brian J. Olson, Esquire
King & Spalding LLP
1180 Peachtree Street N.E.
Atlanta, GA 30309-3521
Ph: 404 215 5806

Christie Pabarue and Young,
A Professional Corporation

By: 
John C. McNamara, Esquire
PA Atty I.D. No. 17875
1880 JFK Boulevard - Tenth Floor
Philadelphia, PA 19103
Ph: 215 587 1663/1600
Fx: 215 587-1699
Attorneys for Equifax
Information Services, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing by electronic mail addressed to counsel of record as follows:

Vicki Piontek
951 Allentown Road
Lansdale, PA 19446
Ph: 877-737-8617
palaw@justice.com
Attorney for Plaintiff

Dated: January ²¹~~20~~, 2015.

Christie Pabarue and Young,
A Professional Corporation

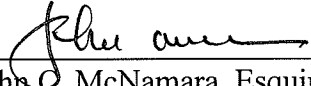
By: 
John C. McNamara, Esquire
PA Atty I.D. No. 17875
Attorneys for Equifax
Information Services, LLC

EXHIBIT A

6

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

LAWYER REFERENCE SERVICE
MONTGOMERY COUNTY BAR ASSOCIATION
100 West Airy Street (REAR), NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

Montgomery County Legal Aid Services
625 Swede Street, Norristown, PA 19401
610-275-5400

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Florence Selvin	:	
c/o Piontek Law Office	:	
951 Allentown Road	:	
Lansdale, PA 19446	:	
Plaintiff	:	
v.	:	2014-24066
	:	
Equifax Information Services, LLC	:	
1500 Peachtree Street, NW	:	
Atlanta, GA 30309	:	Jury Trial Demanded
and	:	
X,Y,Z Corporations,	:	
Defendants	:	

COMPLAINT

1. This is a lawsuit for damages brought by an individual consumer for Defendant(s)' alleged violations of the Fair Credit Reporting Act (FCRA), and the Fair and Accurate Credit Transaction Act (FACTA), 15 U.S.C. 1681, et seq.

2. Venue is proper in this District because Defendant(s) regularly do(es) business in this jurisdiction and avails itself of the benefits of the market in this jurisdiction.

3. Plaintiff resides in this jurisdiction.

4. A substantial portion of the transaction(s), occurrence(s) act(s) and / or omission(s) complained of in this action took place in or near this jurisdiction.

5. Key witnesses are located at or near this jurisdiction.

6. Plaintiff resides near this jurisdiction.
7. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
8. Plaintiff is Icarus Harmon, an adult individual with a mailing address of c/o Piontek Law Office, c/o Piontek Law Office, 951 Allentown Road, Lansdale, PA 19446.
9. Defendants are the following individuals and business entities.
 - a. Equifax Information Services, LLC, a corporation with an address including but not limited to 1500 Peachtree Street, NW, Atlanta, GA 30309.
 - b. X,Y,Z Corporations, business identities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this complaint.

COUNT ONE: Violation of the Fair Credit Reporting Act and the Fair and Accurate Credit Transactions Act, 15 USC 1681 et. seq.

10. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.

11. At all times mentioned herein Plaintiff was a consumer as defined by 15 USC 1681.

12. At all times mentioned herein Plaintiff was a person as defined by 15 USC 1681a (c).

13. At all times mentioned herein Plaintiff was an individual as defined by 15 USC 1681a (c).

14. At all times mentioned in this Complaint, Defendant(s) maintained a “consumer report” on Plaintiff as defined by 15 USC 1681(a)(d) et. seq.

15. At all times mentioned in this Complaint, Defendant(s) was a “consumer Reporting Agency” (CRA) as defined by 15 USC 1681a(f) et. seq.

16. At all times mentioned in this Complaint, Defendant(s) was a “person” as defined by 15 USC 1681a(f) et. seq.

17. Within the applicable statute of limitations prior to the commencement of this action, Plaintiff contacted Defendant(s) and requested his consumer report from Defendant(s).

18. Upon Plaintiff’s request for his consumer report, Defendant(s) did provide Plaintiff with a free annual copy of Plaintiff’s consumer report.

19. The consumer report provided to Plaintiff by Defendant(s) contained the names and addresses of certain business entities that had accessed Plaintiff's consumer report in the last 12 months.
20. According to 15 USC 1681g(a), a consumer reporting agency is required to disclose to the consumer the names of all persons or business entities that accessed the consumer's report within the last 12 months of the date of the report.
21. In addition to the requirement to disclose the names of all persons or business entities that accessed the consumer's report, the consumer reporting agency is also required to provide the telephone number for the persons or business entities that accessed the consumer's report in the last 12 months, upon written request of the consumer to disclose such telephone number(s), pursuant to 15 USC 1681g(a)(3).
22. Plaintiff requested the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request(s). See attached exhibits.
23. Plaintiff's request(s) for the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request(s) was / were in writing. See attached exhibits.

24. Defendant(s) received Plaintiff's written request(s) for the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request. See attached exhibits.
25. Defendant(s) refused to disclose to Plaintiff's the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request. See attached exhibits.
26. By refusing to disclose to Plaintiff's the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request, Defendant(s) violated 15 USC 1681g(a)(3).

LIABILITY AND DAMAGES

27. The previous paragraphs of this Complaint are incorporated by reference.
28. It is believed and averred that the acts committed by Defendant(s), were willful.
29. Defendant(s) is liable for the acts committed by its agents under the doctrine of respondeat superior because Defendant's agents were acting within the scope of their employment with Defendant.
30. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
31. Any mistake made by Defendant(s) would have included a mistake of law.
32. Any mistake made by Defendant(s) would not have been a reasonable or bona fide mistake.
33. It is believed and averred that Defendant(s)' acts and omissions were willful, and not an oversight, for the following reasons.
- a. Defendant(s) blatant refusal to adequately respond to Plaintiff's aforementioned written requests for telephone numbers.
 - b. Defendant's failure to provide the telephone numbers was systemic and repeated.

- c. Defendant(s)' failure to provide the telephone numbers of the entities that accessed Plaintiff's consumer report to Plaintiff was the result of Defendant(s) policies, practices and procedures which were antithetical to Defendant(s) duties to provide such telephone numbers pursuant to 15 USC 1681g(a)(3).
- d. Numerous other similarly situated consumers were also affected in a similar manner as the Plaintiff as the result of Defendant(s) policies, practices and procedures which were antithetical to Defendant(s) duties to provide such telephone numbers pursuant to 15 USC 1681g(a)(3).

34. Plaintiff believes and aver that Plaintiff is entitled to at least \$1.00 actual damages for Plaintiff, including but not limited to phone, fax, stationary, postage, etc.

35. Plaintiff believes and avers that Plaintiff is entitled to \$1,000.00 statutory damages or other amount to be determined by this Honorable Court, because of the willful nature of the violations, pursuant to 15 USC 1681 et. seq.

36. Because Defendant(s)' acts and omissions were willful, Plaintiff believes and avers that punitive damages are warranted.

37. Plaintiff requests punitive damages against Defendant in the amount to be determined by this Honorable Court.

38. For purposes of a default judgment, Plaintiff believes and avers that the amount of such punitive damages should be no less than \$150,000.00.

ATTORNEY FEES

39. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.

40. Plaintiff believes and avers that Plaintiff is entitled to reasonable attorney fees for prosecuting this action pursuant to 15 USC 1681 et. seq.

41. Plaintiff believes and avers that Plaintiff's attorney fees amount to no less than \$1,750.00 at a rate of \$350.00 per hour, enumerated below, or such other amount as the Court deems just and proper.

a. Consultations with client, review of file, preparing letters	2
b. Drafting, editing, review, redaction and filing of complaint, and service of Complaint and related documents	1
c. Follow up contact with Defense	2
<hr/>	
5 x \$350 = \$1,750.00	

42. Plaintiff's attorney fees continue to accrue as the case move forward.

43. The above stated attorney fees are for prosecuting this matter and reasonable follow up.

OTHER RELIEF

44. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.

45. Plaintiff seeks declaratory relief.

46. Plaintiff seeks in an order directing Defendant to comply with the aforementioned provisions of the Fair Credit Report and the Fair and Accurate Credit Transactions Act, 15 USC 1681 et. seq.

47. Plaintiff requests a jury trial in this matter.

48. Plaintiff demands a jury trial in this matter.

49. Plaintiff demands fees and costs for prosecuting this matter.

50. Plaintiff seeks such other relief as this Honorable Court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of no less than \$152,751.00 as enumerated below.

\$1.00 more or less actual damages.

\$1,000.00 statutory damages for count one

\$1,750.00 attorney fees

\$150,000 punitive damages

\$152,751.00

Plaintiff seeks such additional relief as the Court deems just and proper.

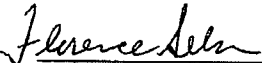
Vicki Piontek 11/24/14
Date
Vicki Piontek, Esquire
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
palaw@justice.com
Fax: 866-408-6735

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Florence Selvin	:	
c/o Piontek Law Office	:	
951 Allentown Road	:	
Lansdale, PA 19446	:	
	:	
Plaintiff	:	
v.	:	
	:	
Equifax Information Services, LLC	:	
1500 Peachtree Street, NW	:	
Atlanta, GA 30309	:	
and	:	Jury Trial Demanded
X,Y,Z Corporations,	:	
	:	
Defendants	:	

VERIFICATION

I, Florence Selvin, have read the attached Complaint. The facts stated therein are true and correct to the best of my knowledge, understanding and belief.


Florence Selvin

9/25/14
Date

5

EXHIBITS



2014-24066-0002 12/5/2014 9:02 AM # 10085028
Complaint In

Rcpt#Z2278917 Fee:\$0.00 Exhibit 1

Mark Levy - MontCo Prothonotary

6

Florence Selvin
254 South Farragut Street
Philadelphia, PA 19139
267- [REDACTED]

Equifax Information Services
P.O. Box 740241
Atlanta, GA 30374

RE: Florence Selvin

SSN: [REDACTED]

DOB: [REDACTED]

To Whom it May Concern:

Recently I received a copy of my consumer report. Several companies made inquiries and received my consumer report in the last 12 months. See attached excerpt from your company showing these inquiries.

My consumer report does not show the telephone number for all of the companies that made the inquiries. Sometimes the phone number appears for some of the companies. Sometimes the telephone number for the companies does not appear.

I would like to request the telephone numbers for the following companies that accessed my consumer in the last 12 months.

K Motors, Inc.
Amexdsnb

Date of Inquiry 8/26/2013
Date of Inquiry 3/28/2014

Enclosed please find a copy of my drives license to prove my identity.

Thank you.

Sincerely,

Florence Selvin
Florence Selvin

5/6/2014
Date

Florence Selvin
254 South Farragut Street
Philadelphia, PA 19139
267- [REDACTED]

Equifax Information Services
P.O. Box 740241
Atlanta, GA 30374

RE: Florence Selvin

SSN: [REDACTED]

DOB: [REDACTED]

To Whom it May Concern:

Recently I received a copy of my consumer report. Several companies made inquiries and received my consumer report in the last 12 months. See attached excerpt from your company showing these inquiries.

My consumer report does not show the telephone number for all of the companies that made the inquiries. Sometimes the phone number appears for some of the companies. Sometimes the telephone number for the companies does not appear.

I would like to request the telephone numbers for the following companies that accessed my consumer in the last 12 months.

K Motors, Inc.
Amexdsnb

Date of Inquiry 8/26/2013
Date of Inquiry 3/28/2014

Enclosed please find a copy of my drives license to prove my identity.

Thank you.

Sincerely,

Florence Selvin
Florence Selvin

6/30/2014
Date

[illegible][illegible]

The following information is provided for the purpose of identifying the person or persons who are the subject of the investigation. The information is not to be used for any other purpose.

Company Information - Prefix Substitutions:

PRM - Inquires with this prefix indicate that only your name and address were given to a credit grantor so they can provide you a firm offer of credit or insurance. (PRM inquires remain for 12 months)

PR - Inquires with this prefix indicate that a creditor reviewed your account as part of a portfolio they are purchasing. (PR inquires remain for 12 months)

AM or AR - Inquires with these prefixes indicate a periodic review of your credit history by one of your creditors. (AM and AR inquires remain for 12 months)

Equifax or EFX - Inquires with these prefixes indicate Equifax's activity in response to your contact with us for a copy of your credit file or a research request.

ND - Inquires with this prefix are general inquiries that do not display to credit grantors. (ND inquires remain for 24 months)

ND MR - Inquires with this prefix indicate the release of a mortgage credit report containing information from your Equifax credit file to another company in connection with a mortgage loan. (ND MR inquires remain for 24 months)

EMPL - Inquires with this prefix indicate an employment inquiry. (EMPL inquires remain for 24 months)

**** End of Credit File ****

4108032175IDH-0016321

AR-Current No	04/09/2014	PO Box 8241 Sioux Falls, SD 57117-8241 Phone: (605) 985-5114
AR-Amendment	03/28/2014	9111 Duke Blvd Mason, OH 45040-6989
AR-Universal Card A/R/CBNA	03/28/2014	PO Box 8241 Sioux Falls, SD 57117-8241
AR-Macys/Debn	03/28/2014	9111 Duke Blvd Mason, OH 45040-6989
ND-Equifax	12/08/2013	PO Box 740241 Atlanta, GA 30374-0241
PRM-K Motors Inc	08/28/2013 05/24/2013	985 Amato Ave Toyota Of Cajon El Cajon, CA 92020-3001
AR-Capital One	07/17/2013	PO Box 28030 Richmond, VA 23260-6030
ND-Bank, Hasenmiller	05/15/2013	125 S Wacker Dr Ste 400 Leibar & Moore Chicago, IL 60606-4440

